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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,010	07/10/2001	Lee A. Walker	922-140	7649
23117	7590	06/16/2005		EXAMINER
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				HOSSAIN, TANIM M
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/901,010	WALKER, ET AL
	Examiner	Art Unit
	Tanim Hossain	2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 February 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 2-11, 14, 16-18, 21-23 and 25-28 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1, 12, 13, 15, 19, 20 and 24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 12, 13, 19, 20, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Best (U.S. 6,118,796).

As per claim 1, Best teaches a method of checking configurations on a network, including performing automated remote monitoring of each of a plurality of managed devices in the network, the remote monitoring comprising: each port of a plurality of each of said plurality of managed devices on a network, accessing configuration information for each port and its respective associated line to a respective other device, said configuration information indicating for said each port and said respective other device a respective duplex state and data transmission speed (column 10, lines 38-55; column 4, lines 7-20; column 24, lines 40-67); applying a series of interrogations to the configuration information to determine whether said each port and associated line conform to at least one predetermined configuration criterion for each of said duplex state and data transmission speed (column 4, lines 43-61); and when the configuration of said each port and associated link does not conform to said at least one predetermined

configuration criterion providing an indication of the non conformity that has been determined (column 9, lines 1-31).

As per claim 12, Best teaches a method as in claim 1, in which the interrogations determine whether said each port and a port at the other end of said associated link are running the same duplex mode (column 24, lines 40-67).

As per claim 13, Best teaches a method as in claim 12, in which the interrogations determine whether ports at both ends of the link are capable of full duplex (column 4, lines 42-61; column 24, lines 40-67).

As per claim 19, Best teaches a method as in claim 1, in which the interrogations determine whether auto-negotiation is switched on at both ends of the link (column 25, lines 1-62).

As per claim 20, Best teaches a method as in claim 19, in which the interrogations determine whether said each port has been set to run at a fixed speed less than its maximum capability with auto-negotiation (column 25, lines 1-62).

Claim 21 is rejected on the same basis as claim 1.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Best in view of Malalur (U.S. 6,879,588).

As per claim 15, Best teaches a method as in claim 1 in which said respective other device is a managed device and said series of interrogations determine link characteristics, and whether these links are enabled (column 15, lines 42-60; column 10, lines 38-55; column 4, lines 7-20; column 24, lines 40-67). Best does not specifically teach the determination of trunk links and whether they are enabled. Malalur teaches the automatic detection and enabling of trunk links (column 25, lines 51-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the ability to detect, through queries, the existence of trunk links and whether they are enabled, as taught by Malalur in the system of Best. The motivation for doing so lies in the fact that having a trunk link detection system would add another functionality to Best's system, allowing for further versatility. Both inventions are from the same field of endeavor, namely the efficient configuration of network components.

#### *Response to Arguments*

Applicant's arguments filed on February 22, 2005 have fully been considered. The new grounds of rejection, necessitated by the Applicant's amendments respectfully traverse these arguments.

#### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is 571/272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571/272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tanim Hossain  
Patent Examiner  
Art Unit 2145

*V. Martin-Wallace*  
VALENCIA MARTIN-WALLACE  
SUPERVISORY PATENT EXAMINER